

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
KATHERINE A. TANAKA
3 Assistant Federal Public Defender
Nevada State Bar No. 14655
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Katherine_Tanaka@fd.org

7 Attorney for Salvador Hernandez

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 SALVADOR HERNANDEZ,

15 Defendant.

Case No. 2:19-mj-811-DJA

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Katherine A. Tanaka, Assistant Federal Public Defender, counsel for Salvador Hernandez,
21 that the bench trial currently scheduled on January 8, 2020 at 9:00 AM, be vacated and
22 continued to a date and time convenient to the Court, but no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation and
25 complete research to determine whether there are any pretrial issues to be litigated and
26 whether the case will ultimately go to trial or be resolved through negotiations.

1 2. The defendant is not incarcerated and does not object to the continuance.

2 3. Additionally, denial of this request for continuance could result in a
3 miscarriage of justice. The additional time requested by this Stipulation is excludable in
4 computing the time within which the trial herein must commence pursuant to the Speedy Trial
5 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
6 18, United States Code § 3161(h)(7)(B)(iv).

7 This is the first request for a continuance of the bench trial.

8 DATED this 11th day of December, 2019.

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10 RENE L. VALLADARES
11 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

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13 By/s/ Katherine A. Tanaka
14 KATHERINE A. TANAKA
15 Assistant Federal Public Defender

By/s/ Rachel Kent
RACHEL KENT
Special Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SALVADOR HERNANDEZ,

Defendant.

Case No. 2:19-mj-811-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation and complete research to determine whether there are any pretrial issues to be litigated and whether the case will ultimately go to trial or be resolved through negotiations.

2. The defendant is not incarcerated and does not object to the continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, January 8, 2020, at 9:00 a.m., be vacated and continued to Wednesday, February 12, 2020 at 9:00 a.m.

DATED this 13th day of December, 2019.



UNITED STATES MAGISTRATE JUDGE